

## **BILL ANALYSIS**

Senate Research Center  
77R2880 SMH-F

C.S.S.B. 546  
By: Brown, J. E. "Buster"  
Natural Resources  
3/25/2001  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

Currently, ready mix concrete plants are forced into the same permitting process as larger, more industrial facilities causing tremendous time and financial constraints on the operator and the Texas Natural Resource Conservation Commission (commission), respectively. C.S.S.B. 546 exempts certain permanent concrete batch plant facilities from the notice and hearing process if they meet heightened environmental standards in their operating practices.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Natural Resource Conservation Commission in SECTION 1 (Section 382.05101, Health the Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 382.05101, Health and Safety Code, to authorize the Texas Natural Resource Conservation Commission (commission) to develop by rule the criteria to establish a de minimis level of air contaminants for facilities or groups of facilities below which a permit under Section 382.0518 or 382.0519, a standard permit under Section 382.05195 or 382.05197, or a permit by rule under Section 382.05196 is not required.

SECTION 2. Amends Section 382.0511(c), Health and Safety Code, to authorize the commission to authorize changes in a federal source to proceed before the owner or operator obtains federal operating permit or revisions to a federal operating permit if the changes are de minimis under Section 382.05101, or the owner or operator has obtained a preconstruction permit or permit amendment required by Section 382.0518, or is operating under a standard permit under Section 382.05195 or 382.05197; a permit by rule under Section 382.05196; or an exemption allowed under Section 382.057.

SECTION 3. Amends Chapter 382C, Health and Safety Code, by adding Sections 382.05197 and 382.05198, as follows:

Sec. 382.05197. STANDARD PERMIT FOR CERTAIN CONCRETE PLANTS. Requires the commission to issue a standard permit for a new concrete plant that performs wet batching, dry batching, or central mixing and that meets certain requirements. Requires the commission, notwithstanding Subsection (a)(18), to issue a standard permit for a new concrete plant that performs wet batching, dry batching, or central mixing and does not meet the requirements of that subsection if the plant meets the other requirements of Subsection (a) and each road, parking lot, and other traffic area located within the distance of a property line provided by Subsection (a)(18), as applicable, is bordered by dust-suppressing fencing or another barrier at least 12 feet high; and each stockpile located within the applicable distance of a property line is contained within a three-walled bunker that extends at least two feet above the top of the stockpile. Require the executive director of the commission (executive director) to recommend issuance or denial of the authorization to use a standard permit issued under this section not later than the 45th day after the date the completed application is received.

Sec. 382.05198. STANDARD PERMIT FOR CERTAIN CONCRETE BATCH PLANTS: NOTICE AND HEARING. Requires an applicant for a standard permit under Section 382.05197 to publish notice of intent to obtain the permit in accordance with Section 382.056. Requires the commission to provide an opportunity for a public hearing and the submission of public comment and send notice of a decision on an application for a standard permit under Section 382.05197 in the same manner as provided by Sections 382.0561 and 382.0562. Authorizes only those persons actually residing in a permanent residence within 880 yards of the proposed plant to request a hearing under this section as a person who may be affected. Authorizes a person affected by a decision of the commission to issue or deny a voluntary emissions reduction permit to move for rehearing and provides that the person is entitled to judicial review under Section 382.032.

SECTION 4. Amends Section 382.058(c), Health and Safety Code, to authorize only those persons actually residing in a permanent residence with 880, rather than 440, yards of the proposed plant to request a hearing under Section 382.056(d) as a person who may be affected.

SECTION 5. Effective date: September 1, 2001.

### **SUMMARY OF COMMITTEE CHANGES**

SECTION 3. Amends as Filed S.B. 546, Chapter 382C, Health and Safety Code, as follows:

- Amends and adds new proposed requirements regarding the commission issuing a permit for a new concrete plant.
- Adds new proposed Section 382.05197(c), Health and Safety Code, requiring the executive director to recommend or deny a permit within 45 days.
- Adds new proposed Section 382.05198 (STANDARD PERMIT FOR CERTAIN CONCRETE BATCH PLANTS: NOTICE AND HEARING), Health and Safety Code.

SECTION 4. Newly proposed SECTION regarding a person residing within 880 yards of a proposed plant as one who is authorized to request a hearing.

SECTION 5. Effective date. Renumbered from SECTION 4.